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No. 90-985

IN THE
Supreme Court of the United States
OCTOBER TERM, 1991

JAYNE BRAY, *et al.*,
Petitioners,

v.

ALEXANDRIA WOMEN'S HEALTH CLINIC, *et al.*,
Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

---

SUPPLEMENTAL BRIEF FOR PETITIONERS

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The Petition for Writ of Certiorari contained a list of all federal court cases of which petitioners were aware in which 42 U.S.C. § 1985(3) had been invoked against anti-abortion activities. Pet. at 13 n.4. For the convenience of the Court, petitioners hereby provide the following revised and updated list, current through September 30, 1991. According to a representative of West Publishing Company, the two district court opinions for which West Law citations are given below will appear in upcoming issues of Federal Supplement.

D.C. Circuit—*National Organization for Women v. Operation Rescue*, 726 F. Supp. 300 (D.D.C. 1989), later decision, 747 F. Supp. 760 (D.D.C. 1990)

1st Circuit—*Town of Brookline v. Operation Rescue*, 762 F. Supp. 1521 (D. Mass. 1991)

2nd Circuit—*New York State NOW v. Terry*, 886 F.2d 1339 (2d Cir. 1989), *cert. denied*, 110 S. Ct. 2206 (1990); *Cousins v. Terry*, 721 F. Supp. 426 (N.D.N.Y. 1989); *Upper Hudson Planned Parenthood, Inc. v. Doe*, No. 90-CV-1084 (N.D.N.Y. Sept. 12, 1991); *Pro-Choice Network of Western New York v. Project Rescue of Western New York*, No. Civ. 90-1004A (W.D.N.Y. Sept. 27, 1990); *Town of West Hartford v. Operation Rescue*, No. 1189-400 PCD (D. Conn. July 23, 1991), *appeal pending*, No. 91-7801 (2nd Cir. docketed Aug. 7, 1991)

3rd Circuit—*Roe v. Operation Rescue*, 710 F. Supp. 577 (E.D. Pa. 1989), *aff'd on other grounds*, 919 F.2d 857 (3rd Cir. 1990)

4th Circuit—*Northern Virginia Women's Medical Center v. Balch*, 617 F.2d 1045 (4th Cir. 1980); *National Organization for Women v. Operation Rescue*, 914 F.2d 582 (4th Cir. 1990) (per curiam), *cert. granted sub nom. Bray v. Alexandria Women's Health Clinic*, 111 S. Ct. 1070 (1991); *National Organization for Women v. Operation Rescue*, No. 89-3038 (D. Md. Nov. 15, 1990); *Palmetto State Medical Center, Inc. v. Operation Rescue*, No. 90-2688 (D.S.C. May 14, 1990), *appeal pending on other grounds*, No. 90-2688 (4th Cir. ordered held in abeyance Mar. 6, 1991)

5th Cir.—*Roe v. Abortion Abolition Society*, 811 F.2d 931 (5th Cir.), *cert. denied*, 484 U.S. 848 (1987); *Mississippi Women's Medical Clinic v. McMillan*, 866 F.2d 788 (5th Cir. 1989)

6th Circuit—*Volunteer Medical Clinic, Inc. v. Operation Rescue*, No. Civ. 3-89-156 (E.D. Tenn. May 19, 1989), *appeal pending*, No. 90-5159 (6th Cir. argued Apr. 1, 1991)

7th Circuit—*Fort Wayne Women's Health Organization v. Brane*, Civ. No. F90-066 (N.D. Ind. May 8, 1990), prior order, 734 F. Supp. 849 (N.D. Ind. 1990)

8th Circuit—*Lewis v. Pearson Foundation, Inc.*, No. 87-894 C (2) (E.D. Mo. Jan. 15, 1988), *aff'd by an equally divided court*, 917 F.2d 1077 (8th Cir. 1990) (en banc), *petition for cert. filed*, 59 U.S.L.W. 3726 (U.S. Apr. 10, 1991) (No. 90-1575); *Carhart v. Donlan*, No. CV 90-0-540 (D. Neb. filed Aug. 7, 1990)

9th Circuit—*Chico Feminist Women's Health Center v. Butte Glenn Medical Society*, 557 F. Supp. 1190 (E.D. Cal. 1983); *Portland Feminist Women's Health Center v. Advocates for Life, Inc.*, 712 F. Supp. 165 (D. Ore. 1988); *National Abortion Federation v. Operation Rescue*, 721 F. Supp. 1168 (C.D. Cal. 1989), *dismissed*, No. CV 89-1181 (C.D. Cal. Jan. 31, 1990), *appeal pending*, No. 90-55199 (9th Cir. argued May 11, 1990); *Southwestern Medical Clinics of Nevada, Inc. v. Operation Rescue*, 744 F. Supp. 230 (D. Nev. 1989); *Aradia Women's Health Center v. Operation Rescue*, 929 F.2d 530 (9th Cir. 1991), prior decision, No. C88-1539R (W.D. Wash. Jan. 10, 1989), *appeal pending sub nom. Aradia Women's Health Center v. Vicknair*, No. 90-35457 (9th Cir. docketed June 18, 1990); *Planned Parenthood Ass'n of San Mateo County v. Holy Angels Catholic Church*, 765 F. Supp. 617 (N.D. Cal. 1991)

10th Circuit—*Women's Health Care Services, P.A. v. Operation Rescue—National*, No. 91-1303-K (D. Kan. Aug. 7, 1991) (1991 WL 169516), *appeal pending*, No. 91-3250 (10th Cir. docketed Aug. 7, 1991).

11th Circuit—*Birmingham Women's Medical Center v. Operation Rescue*, No. CV-89-P-1261-S (N.D. Ala. Aug. 2, 1989); *Lucero v. Operation Rescue of Birmingham*, No. CV91-PT-1082-S (N.D. Ala. Aug. 15, 1991) (1991 WL 160491).

With the exception of the *Lewis* case in the Eighth Circuit, each of these cases involves a suit seeking relief

against anti-abortion picketing or obstruction at abortion facilities. *Lewis* is a suit by a woman alleging that a pro-life crisis pregnancy center wrongfully hindered her efforts to obtain an abortion.

Respectfully submitted,

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